

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BLUELINX CORPORATION, §
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Plaintiff, §
§
VS. § CIVIL ACTION NO.08-CV-02144
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PARK CITIES MILLWORK INC., §
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Defendant. §

PLAINTIFFS' REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANTS

Plaintiff BLUELINX CORPORATION, files this Request for Entry of Default against Defendant PARK CITIES MILLWORK, INC. pursuant to Federal Rule of Civil Procedure 55(a) and Local Rule 55.3, and would respectfully show as follows:

I. REQUEST FOR ENTRY OF DEFAULT

1. On December 4, 2008, Plaintiff filed its Original Complaint ("the Complaint") against Defendant. [Docket No.1].
2. On December 12, 2008, in accordance with Rule 5 of the Federal Rules of Civil Procedure, Defendant was properly served with a copy of the Complaint [Docket No. 5].
3. Pursuant to Rule 12(a)(1) of the Federal Rules of Civil Procedure, Defendant was required to file an answer to the Complaint within twenty (20) days of service. As such, Plaintiffs are entitled to entry of default by the Clerk of the United States District Court for the Northern District of Texas, Dallas Division, pursuant to Rule 55(a) and Local Rule 55.3.

5. Defendant is neither an infant, incompetent person, nor military service member.

See the Affidavit of Charles W. Shipman attached hereto as Exhibit "1".

6. There is no just reason for delay of entry of default in favor of the Plaintiff.

II. PRAYER

WHEREFORE, Plaintiff requests that the Clerk of the Court make entry of default in the record as it relates to the Defendant and for such other relief to which it is entitled.

Respectfully submitted,

/s/ Charles W. Shipman
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